



# PROPOSED RULE MAKING

**CR-102 (June 2004)**

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Department of Ecology AO# 08-05

- ☒ Preproposal Statement of Inquiry was filed as WSR 08-09-147 ; or  
☐ Expedited Rule Making--Proposed notice was filed as WSR \_\_\_\_\_; or  
☐ Proposal is exempt under RCW 34.05.310(4).

- ☒ Original Notice  
☐ Supplemental Notice to WSR \_\_\_\_\_  
☐ Continuance of WSR \_\_\_\_\_

Title of rule and other identifying information: (Describe Subject) Rule amendment for Chapter 173-224 WAC – Wastewater Discharge Permit Fees

Hearing location(s): See attachment

Submit written comments to:

Name: Bev Poston  
Address: PO Box 47600  
Olympia WA 98605-7600  
e-mail [bpos461@ecy.wa.gov](mailto:bpos461@ecy.wa.gov)  
fax (360)407-7151 by (date) July 15, 2008

Date: \_\_\_\_\_ Time: \_\_\_\_\_

Assistance for persons with disabilities: Contact

Bev Poston by June 25, 2008

TTY (877) 833-6341 or 711 for Washington Relay

Date of intended adoption: August 5, 2008  
(Note: This is NOT the effective date)

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** To increase fees for all wastewater and stormwater permit holders for FY2009 by 5.57% (the fiscal growth factor projection) as authorized by the State Legislature. Ecology also will include a fee increase proposal for FY2010 totaling 5.39%, the fiscal growth factor projection, if a fee increase is authorized by the State Legislature. If an increase is not authorized, FY2009 fees will remain. Monies received fund the Wastewater/Stormwater Permit Program. Ecology also proposes to add a new definition for seafood processing to make clear what permitted activities fit into this fee category. An increase in the extreme hardship fee reduction for small business maximum is also being proposed. The fee will increase from \$100 to \$106 for FY2009 and \$112 for FY2010. Ecology also proposes to clean up language that will allow the proration of fees for aquatic pest control permits so they are treated the same as all other permit holders.

**Reasons supporting proposal:** The fee increase will allow continued operation of the wastewater/stormwater permit program. Wastewater and stormwater permits are tools used by Ecology to ensure that man-made activities that discharge into the various water bodies of the state are discharged at a level where they will not impair the water.

Statutory authority for adoption: RCW 90.48 – Water Pollution Control

Statute being implemented: RCW 90.48.465 – Water Pollution Control

Is rule necessary because of a:

Federal Law? ☐ Yes ☐ No  
Federal Court Decision? ☐ Yes ☐ No  
State Court Decision? ☐ Yes ☐ No  
If yes, CITATION:

DATE 6/2/08NAME (type or print)  
Polly ZehmSIGNATURE Polly ZehmTITLE  
Deputy Director, Department of Ecology**CODE REVISER USE ONLY**

CODE REVISER'S OFFICE STATE OF WASHINGTON FILED	
JUN 3 2008	
TIME <u>11:51</u>	AM <input checked="" type="radio"/> PM <input type="radio"/>
WSR <u>08-12-066</u>	

(COMPLETE REVERSE SIDE)

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

Name of proponent: (person or organization) Department of Ecology

☐ Private  
☐ Public  
☒ Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Bev Poston	Olympia Washington	(360) 407-6425
Implementation.....Bev Poston	Olympia Washington	(360) 407-6425
Enforcement..... Bev Poston	Olympia Washington	(360) 407-6425

Has a small business economic impact statement been prepared under chapter 19.85 RCW?

☐ Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone ( ) \_\_\_\_\_

fax ( ) \_\_\_\_\_

e-mail \_\_\_\_\_

☒ No. Explain why no statement was prepared.

Chapter 173-224 WAC – Wastewater Discharge Permit Fees already provides relief from fees for small business with no more than one million dollars in gross revenue from the activity covered by the permit. To the extent there may be a disproportionate impact on small business, this provides mitigation, as would be required by the Regulatory Fairness Act (RCW 19.85.030) were a Small Business Economic Impact Statement found to be necessary.

Is a cost-benefit analysis required under RCW 34.05.328?

☐ Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone ( ) \_\_\_\_\_

fax ( ) \_\_\_\_\_

e-mail \_\_\_\_\_

☒ No: Please explain:

Rules changing fee schedules are exempt from Significant Legislature Rule Cost Benefit Analyses (RCW 34.05.328) requirements. The exemptions apply to rules which set or adjust fees or rates pursuant to legislative standards. Legislative standards for these fees appear in RCW 90.48.465 – Water Pollution Control (authorizing the fee). Ecology is proposing to increase fees by the state fiscal growth factor projections determined by the Washington State Expenditure Limit Committee.

Hearing location(s):

All hearings will begin at 1:00 pm and be held on the following dates and locations:

**July 8, 2008**

Lacey Timberland Library  
500 College Way SE  
Lacey, Washington

**July 9, 2008**

Hal Holmes Community Center  
209 N Ruby Street  
Ellensburg Washington

**July 10, 2009**

Spokane Regional Library  
South Hill Branch  
3324 South Perry  
Spokane Washington